



PATENT
ATTORNEY DOCKET NO. 46884-5379

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Kazunori YAMAUCHI) **Examiner:** Unassigned
)
Application No.: 10/535,259) **Group Art Unit:** 2856
)
Filed: May 18, 2005) **Confirmation No.:** 5783
)
Title: COLORATION MEASURING DEVICE)

MAIL STOP AMENDMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Accordingly, Applicant does not believe that a fee is due for filing this paper.

A European Search Report (ESR) dated July 28, 2006 that issued in a European patent application and having documents cited therein is attached for the Examiner's consideration. The cited documents are listed on the attached PTO Form 1449 and the cited non-U.S. documents are also attached hereto.

While the ESR additionally cites to Japanese Laid-Open Patent Application No. 63-269046, this document is not listed on the attached PTO Form 1449 because it was previously cited in an IDS filed on November 29, 2005 in this application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, *or* credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,
DRINKER, BIDDLE & REATH LLP



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Dated: September 15, 2006
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|-----------------------------------|--|------------------------------------|---------------------------|
| | | Attorney Docket No.: 46884-5379 | Serial No.: 10/535,259 |
| (Use several sheets if necessary) | | Applicant: Kazunori YAMAUCHI | Page 1 of 1 |
| PTO Form 1449 | | Filing Date: May 18, 2005 | Group Art Unit: 2856 |

U.S. PATENT DOCUMENTS

| *Examiner Initial | | Document Number | Date | Name | Class | Sub Class | Filing Date |
|----------------------|--|--------------------|------------|---------|-------|--------------|-------------|
| | | 5,889,585 | 03/30/1999 | Markart | | | |
| | | 6,248,598 | 06/19/2001 | Bogema | | | |
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FOREIGN PATENT DOCUMENTS

| | | Document Number | Date | Country | Class | Sub Class | <u>Translation</u> | |
|--|--|--------------------|------------|---------|-------|--------------|--------------------|----|
| | | | | | | | YES | NO |
| | | 0 183 524 | 06/04/1986 | Europe | | | | |
| | | 0 286 101 | 10/12/1988 | Europe | | | | |
| | | 0 994 343 | 04/19/2000 | Europe | | | | |
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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| Examiner | Date Considered |
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Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.